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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,168	06/27/2007	Klaus Leuschner	2003P08256WOUS	4156

22116 7590 09/26/2008  
SIEMENS CORPORATION  
INTELLECTUAL PROPERTY DEPARTMENT  
170 WOOD AVENUE SOUTH  
ISELIN, NJ 08830

EXAMINER
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BESROUR, SAOUSSEN

ART UNIT	PAPER NUMBER
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2131

MAIL DATE	DELIVERY MODE
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09/26/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/574,168	<b>Applicant(s)</b> LEUSCHNER ET AL.	
	<b>Examiner</b> SAOUSSEN BESROUR	<b>Art Unit</b> 2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 10-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/29/2006</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is in response to preliminary amendment filed 3/29/2006. Claims 1-12 were cancelled. New claims 10-25 were added. Claims 10-25 are pending.

### ***Priority***

2. Acknowledgment is made of applicant's claim for foreign priority under U.S.C. 119(a)-(d).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 10-25** are rejected under 35 U.S.C. 102(b) as being anticipated by Pou et al. (20050004873).

As per **claim 10**, Pou et al. discloses: providing a license database in the switching device, the license database including the software module and license information pertaining to the software module (0010); initiating an interaction between a license database and a portable computer readable data medium included in the switching device via an activation of the software module in the license database (0014);

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transmitting a hardware identification information and the license information over a communication link from the switching device to a license manager (0011);  
creating a license confirmation information by the license manager via a license reference database having licenses for software modules purchased by an operator of the switching device (0103); and  
sending a license confirmation information to the switching device to decide on the authorization of the software module,  
wherein the license manage is remotely located from the switching device (0070).

As per **claim 11**, rejected as applied to claim 10. Pou discloses: wherein an asymmetrical encryption is used in the interaction between the license database and the portable medium (0059).

As per **claim 12**, rejected as applied to claim 10. Pou discloses: wherein a cryptographic algorithm is used in the interaction between the license database and the portable medium (0059).

As per **claim 13 and 20**, rejected as applied to claim 12 and 10. Pou discloses: wherein the portable medium is a card selected from the group consisting of smart card, chip card and SD/MultiMedia card (0102).

As per **claim 14**, rejected as applied to claim 13. Pou discloses: wherein the hardware identification information is created from a identification number of the license database and a information stored on the card (0065).

As per **claim 15 and 21**, rejected as applied to claim 13 and 10. Pou discloses: wherein the hardware identification information and the license information transmitted from the switching to the license manger are encrypted (0059).

As per **claim 16**, rejected as applied to claim 15. Pou discloses: wherein the license manager is a server and is networked with the switching device via a communication network (0010).

As per **claim 17 and 23**, rejected as applied to claim 16 and 10. Pou discloses: wherein the created license confirmation information authorizes operation of the software module in the switching device when the license information for the software module is included in the purchased licenses (0070, 0099).

As per **claim 18 and 24**, rejected as applied to claim 16 and 10. Pou discloses: wherein the created license confirmation information authorizes a test operation of the software module in the switching device when the license information for the software module is not included in the purchased licenses, and wherein the test operation is for a period of time (0070, 0099).

As per **claim 19 and 25**, rejected as applied to claims 16 and 10. Pou discloses: wherein the communication connection between the switching device and the license manager is routed via a circuit-switched or a packet switch communication network (0010).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAOUSSEN BESROUR whose telephone number is (571)272-6547. The examiner can normally be reached on M-F 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. B./  
Examiner, Art Unit 2131  
September 23, 2008

/Syed Zia/

Primary Examiner, Art Unit 2131